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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 HELIO J. LEAL DE LA HOZ, )  
8 Plaintiff, ) CASE NO. C17-1465 RSM  
9 v. ) ORDER DIRECTING PLAINTIFF TO  
10 ) AMEND COMPLAINT  
11 HUSH COMMUNICATIONS CANADA, )  
12 INC. )  
13 Defendant. )  
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15 *Pro Se* Plaintiff Helio J. Leal de La Hoz, a Seattle resident, filed his Complaint on  
16 September 28, 2017. Dkt. #5. Summons has not yet been issued.

17 Plaintiff's claims relate to his "hushmail" email account with Defendant Hush  
18 Communications Canada, Inc. Plaintiff appears to make claims of theft and fraud arising from  
19 Defendant's October 23, 2016, disabling of Plaintiff's account "because they had received a large  
20 number of complaints denouncing my messages as spam." *Id.* Plaintiff alleges he has lost access  
21 to important documents and "intellectual Property, whose value I estimate in trillions of dollars."  
22 *Id.* Plaintiff also seeks as damages compensation for Plaintiff's "adrenaline poisoning," and to  
23 be compensated for his time "litigating this evidence-based claim," which Plaintiff calculates at  
24 over 10,000 hours. *Id.* Plaintiff seeks total damages of "1,001,011,380,000.00 USD." *Id.*  
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27 As federal courts are courts of limited jurisdiction, a plaintiff bears the burden of  
28 establishing that his case is properly filed in federal court. *Kokkonen v. Guardian Life Ins. Co.*,

1 511 U.S. 375, 377, 114 S. Ct. 1673, 1675, 128 L. Ed. 2d 391 (1994); *In re Ford Motor*  
2 *Co./Citibank (South Dakota), N.A.*, 264 F.3d 952, 957 (9th Cir. 2001). This burden, at the  
3 pleading stage, must be met by pleading sufficient allegations to show a proper basis for the  
4 federal court to assert subject matter jurisdiction over the action. *McNutt v. General Motors*  
5 *Acceptance Corp.*, 298 U.S. 178, 189, 56 S. Ct. 780, 785, 80 L. Ed. 1135 (1936). Further, the  
6 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or  
7 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.  
8 *See* 28 U.S.C. § 1915(e)(2)(B).

10 In this case, Plaintiff appears to base federal jurisdiction on diversity, citing Defendant's  
11 residence as "either Vancouver, Canada or another state, Delaware, or both." Dkt. #5 at 2.  
12 However, Plaintiff has failed to present credible evidence that the damages at issue in this case  
13 exceed the statutory requirement of \$75,000. *See* 28 U.S.C. § 1332(a). Plaintiff's valuation of  
14 his email account at "trillions of dollars," is facially frivolous. Plaintiff's Complaint also fails  
15 to set forth causes of action, citing theft and fraud only in passing. Accordingly, Plaintiff's  
16 Complaint suffers from deficiencies that, if not corrected in an Amended Complaint, require  
17 dismissal.  
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20 Accordingly, the Court hereby ORDERS that Plaintiff shall file an Amended Complaint  
21 **no later than twenty-one (21) days from the date of this Order.** In the Amended Complaint,  
22 Plaintiff must include a short and plain statement demonstrating to the Court that there is a legal  
23 basis for his claims. Plaintiff shall identify what law or laws it believes Defendant has violated  
24 through its alleged conduct. Finally, Plaintiff must plead specific facts demonstrating that the  
25 damages at issue exceed \$75,000.  
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1 In addition, **Plaintiff is reminded that he is not to include personal identifiers in his**  
2 **Amended Complaint, such as complete bank or credit card account numbers, social**  
3 **security numbers, and the like, and that such information should be redacted or removed**  
4 **from his documents before filing.**

5 The Clerk shall send a copy of this Order to Mr. Leal de La Hoz at 77 S. Washington St.,  
6 Seattle, WA 98104.  
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8 DATED this 29<sup>th</sup> day of September 2017.  
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12 RICARDO S. MARTINEZ  
13 CHIEF UNITED STATES DISTRICT JUDGE  
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